



Monday, June 15, 2009

## DOCKET

07-AFC-6

DATE June 12 2009

RECD. June 15 2009

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June 12, 2009

Mr. Gerard Rios  
Air Division AIR-3  
U.S. Environmental Protection Agency  
73 Hawthorne Street  
San Francisco, CA 94105

Dear Mr. Rios:

We have received a copy Of NRG's letter to you, dated June 5, 2009, in which they requested that the U.S. Environmental Protection Agency (EPA) determine that their proposed Carlsbad Energy Center Project (CECP) would not trigger a Prevention of Significant Deterioration (PSD) review.

On May 26, 2009 the following two emails, which reflect our position, were sent to [kelly.shaheerah@epa.gov](mailto:kelly.shaheerah@epa.gov):

Regards,

Julie Baker  
Power of Vision

- 0 -

Dear Ms Kelly,

NRG West has submitted an application to the California Energy Commission (Docket Number: 07-AFC-06) to build a 558 megawatt power plant in coastal Carlsbad, California named the Carlsbad Energy Center Project (CECP) and has requested authorization to emit up to 72.8 tons of NOx per year (though NRG West admits that the new units have the potential to emit 75.6 tons of NOx per year). NRG "voluntarily" agreed to limit NOx emissions from the 75.6 tons/yr to the 72.8 tons/year, probably in order to avoid the 40 ton/year EPA trigger. This new power plant will be located on the same property as the existing 55 year-old 963 megawatt Encina Power Station that runs approximately 7% per year.

As I understand the rules-Section 52.21(b)(48) - concerning a new stationary source of air pollution, limits are placed on new applicants for permission to emit air pollution. At its soonest, the CECP will not begin

construction until 2010 which means the previous 5 years of look-back (2005-2009) push the new application over the limit of 40 tons of emissions of NOx per year. Based on the 2005-2009 years, the new CECP would emit 25% more than the threshold allows. This would require NRG to submit to the EPA for a Prevention of Significant Deterioration (PSD) of air quality. Please require them to do so.

As the protector of environmental quality, the residents of Carlsbad rely on the EPA to enforce Federal air quality rules. It is imperative that NRG West be forced to comply with rules in place to protect the public. Other electrical generating assets are coming on-line in San Diego County that will provide for demand. There is every reason to make sure that all rules are being followed by the addition of CECP to the City of Carlsbad and the region.

Thank you, I look forward to hearing from you and can provide additional information if needed.

Sincerely,

Julie Baker

Cc: Senator Barbara Boxer

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Dear Ms Kelly,

NRG West has applied to the California Energy Commission (Docket Number: 07-AFC-06) to build a 558 megawatt power plant in Carlsbad. The applicant proposes installing two Siemens SGT6-5000F combustion turbine generators with steam power augmentation.

There are a number of issues with this application that indicate the need for immediate assessment by the EPA under Section 52.21(b)(48).

1. The applicant proposes to run the units 48% of the time (300 startups and shutdowns per year, with one hour startup, 12 hours normal operation, and one hour shut down each cycle), presumably in order to keep NOx emissions below the 40 tons/yr of incremental emissions of NOx that would trigger a Prevention of Significant Deterioration (PSD) of air quality. However, such an operating cycle would produce 75.6 tons/yr of NOx, and deducting the 32.86 tons/yr credits they claim from shutting down three older units in the adjacently owned Encina Power Station, the balance would come to 42.74 tons/yr. Therefore, presumably to avoid triggering a PSD, the applicant "voluntarily" agreed to limit the annual emissions to 72.8 tons/yr.
2. The applicant used a five year average for the period 2002 to 2006 to calculate the 32.86 tons/yr of NOx to use a credits in the calculations cited above, even though there has been a steady decrease in the use of the older units that would be replaced by the new units. Year 2008 annual NOx emissions for these units was 10.6 tons. We have indicated to the San Diego Air Pollution Control District that their PFODC is flawed in that it uses a 2002-2006 look-back period which does not conform to the requirements of Section 52.21(b)(48). Even with the 2002-2006 look-back period we discovered anomalies in the applicant's reporting of NOx emissions, and the applicant has recently lowered their "voluntary" limit of NOx emissions to 71+ tons/yr.

3. Over 2000 North San Diego County residents have already signed a petition indicating their opposition to the new units, primarily because of their concerns about increased pollution. Those in the immediate area of the proposed application also indicate that the applicant has not indicated how they will enforce their "voluntary" limit on NOx emissions. Fines, after the fact, for violating the limits are not reassuring to these residents. We have found that past reporting of data by the applicant to the local authorities has not always been reliable. To cite just one more of the many anomalies we have come across (in addition to the incorrect data originally submitted on 2002-2006 NOx emissions), we have found that NRG West reported to the San Diego Air Pollution Control District that, in year 2008, unit 1 in the Encina Power Station ran 373 hours, while a NRG West report to the CEC shows the unit operating 11 days in that year (making it a miracle unit that operated 34 hours a day!).

We need the EPA, our Federal watchdog agency, to take action to insure that NRG West is conforming to Federal statutes, and we trust that you will request that a PSD procedure be initiated immediately.

Please let me know your thoughts.

Sincerely,

Arnold Roe, Ph.D.  
Professor Emeritus, Engineering

**BEFORE THE ENERGY RESOURCES  
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**APPLICATION FOR CERTIFICATION  
Docket No. 07-AFC-6  
FOR THE CARLSBAD ENERGY Center Project  
PROOF OF SERVICE  
(Revised 5/11/2009)**

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### **DECLARATION OF SERVICE**

I, Julie Baker, declare that on June 15, 2009 , I deposited copies of the attached Power of Vision letter to the EPA in the United States mail at Carlsbad, CA with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

And

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.

Julie Baker

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June 15, 2009